

POWER COMPANY WANTS CITY WATER

Effort to Dissolve an Old Injunction.

RIGHT OF WAY QUESTION

JUDGE HALL REFUSES TO HEAR THE CASE.

The Salt Lake City Water & Electrical Power company, otherwise known as the Jordan Narrows Power company, made an unsuccessful effort yesterday to secure from Judge Hall an order dissolving the restraining order sued out by Salt Lake City a year and a half ago to prevent the power company from cutting the city canal banks in Jordan Narrows, so that the power company could redeliver to the city's canal that portion of the river water owned by the city after passing over the power wheels. On behalf of the power company, Judge Hall refused to hear it, claiming that he is disqualified from sitting in judgment upon any controversy between the municipality and the power company, because of his having been attorney for the city at the time the injunction was granted. Therefore, he referred the subject matter to Judge Morse for consideration.

The ground upon which the power company made application for the dissolution of the restraining order was that at the trial of the main issues in the big water case before Judge Morse, the power company had really been passed upon in favor of the petitioner, the decree giving it the right to use the city's share of the river flow so long as the municipality takes its water out at the present point of diversion, provided the right to condemn a right of way into the city's canal for the discharge of the water from the power plant is first secured. Pending the decision of this question, the power company prays to be allowed to break into the canal bank upon giving a bond for whatever damage might be assessed.

Answering the petition of the power company, the municipality sets up that there is no warrant of law authorizing the condemnation of such a right of way to a private corporation over property owned by a public or municipal corporation, on the theory that the municipality is superior and its needs greater than any private corporation. The city denies that the power company is entitled to use its portion of the river flow, and in support of this contention it is cited that the city is now seeking to condemn a right of way over the East Jordan canal to conduct the city's canal from the best point possible. It is also cited that the municipality intends to have the supreme court pass upon that part of Judge Morse's decree awarding the power company the right to use the municipality's water.

Contest in Snelgrove Estate.
In the estate of Edward Snelgrove, deceased, Judge Hall yesterday directed that the executors of the will be required to return an inventory and appraisement by August 1st, and to file the hearing of the citation on the executors to show cause why they should not be removed was continued. The appraisers appointed were L. B. Rogers, representing the objecting widow, and Joseph S. Wells and O. P. Arnold, Jr., for the two sons of decedent, the executors.

Mining Company Sued.
Dan H. Ferguson yesterday filed suit in the district court against the Vanderbilt Mining company to recover \$272 for services as foreman at defendant company's mine near Halley, Idaho, in August, 1897, and for \$100 alleged to be owing Edward Brush, whose account has been assigned to plaintiff. Interest is also prayed for.

Woodruff Estate Closed.
The estate of Wilford Woodruff, the late president of the Mormon church, was yesterday closed on an order of final distribution to the heirs and legatees, according to the terms of the will. The property distributed is valued at \$34,259.

Equity Court Orders.
The following orders were made yesterday by Judge Hall:
John E. Playter and Laura A. Snedeker vs. Elizabeth S. Playter, administratrix (two cases); dismissed on stipulation.
Western Loan & Savings company vs. H. H. Deaky et al.; decree for defendant Deaky satisfied.
Judgment against plaintiff for \$500,000, amount overpaid.
Alice M. Stoll vs. John A. Stoll; decree of divorce for plaintiff on report of testimony submitted by Referee Armstrong.

POLICE COURT CASES.

F. Smith Charged With Assaulting Israel Dennis.
F. Smith, a laborer, appeared in the police court on a charge of assault and battery. He was accused by Israel Dennis, an attendant at the Seventh Day Adventist church. Dennis alleged in his complaint that he was sweeping in front of the church yesterday morning when Smith came along and interfered with him. When he attempted to send Smith about his business, the young man smashed him in the face, and as a result he wore a large elastic bandage over his eye. Smith wanted an attorney, and the case was continued until Monday.

Ellen Robertson, the negro woman who was arrested on suspicion of having robbed a man of \$95, was charged yesterday with vagrancy. There was insufficient evidence to warrant a charge of robbery, and the \$300 which Ellen had left for bail was ordered forfeited.

MRS. MASON ARRAIGNED.

Sent to County Jail to Await Trial.
Mrs. L. M. Mason, the charity solicitor, who, it is alleged, has been robbing rooms and people over the city while ostensibly engaged in soliciting literature for hospitals, was arraigned before Judge Hall yesterday on a charge of robbery. She was accused of robbing M. D. Anderson of \$17 in the Black Hills saloon a few days ago. The prisoner pleaded not guilty, and protested that she had done nothing wrong. She begged to be allowed to get out of the city, but was placed under \$400 bond, in default of which she was sent to the county jail for safe keeping. Her preliminary hearing was set for next Wednesday at 2 p. m.

A Narrow Escape.

The young son of Mrs. E. J. Wood, who lives at 227 B street, had a narrow escape from serious injury in an accident near Main and Second. South streets yesterday morning. The lad jumped from a street car and did not strike a horse and buggy being driven down the street by Frank Beckstead, street, and ran directly in front of it. He was almost under the horse, but his efforts to stop the animal probably prevented the accident being more

serious. The boy was struck by the horse and knocked down under the wheels, one of which passed over his head. Officer Hilton carried him into O'Connor's drug store, where it was found that he had not been injured at all, the wheel having passed over the leather of his shoe, and not over the foot.

CASE OF DESTITUTION.

Mother and Child Sick and Little to Eat.

A most pitiable case of sickness and want exists in a little shanty in the rear of 544 West First South street. There a sick and helpless mother, with three small children from 7 to 10 years of age dependent upon her, lies with her sick child in a cot hardly large enough for one of them, and with scarcely enough of the necessities of life in the house to keep them from starvation.

For six weeks the mother, Mrs. J. R. Jones, has lain upon the cot, suffering from appendicitis and other complications, while her 7-year-old child has for several days been confined to the cot, threatened with typhoid fever. Mrs. Mayo, Anderson and Hazel have attended the sick ones and helped them all they could free of charge. According to the story told by Mrs. Jones, she separated from her husband over a year ago and was left with the three children to support. About six weeks ago she was taken sick and lay for four weeks with no one to attend her but her children, and no one to cook what food was sent them by charitable neighbors. Two weeks ago Mrs. Ina Edwards went to the house and has devoted her entire time and attention to nursing the sick woman and child and attending to the house, but she said last night that they were sadly in need of clothes and food for the children.

"The doctors tell me," said the sick woman, "that I am on the road to recovery, but that it will be a long time before I will be able to do anything for myself or children. Unless I can get help in some way I do not know what my poor children will do. I do not care for myself, but I cannot stand to see my children want."

Mrs. Jones is a stranger in the city, and while those who have known of her condition have helped her, she is yet in need of assistance.

SLUGGER'S STIFF SENTENCE.

Frank Ewing of Murray Goes Up For Nine Months.

Undoubtedly when Frank Ewing is liberated from the county jail, nine months hence, all his desires to fight will have vanished. Three months' imprisonment on each of three counts, the sentences to run consecutively, was the penalty prescribed yesterday by Justice McMillan of Murray on the big fellow, who claims to have fought a twenty-round draw contest with Denver Ed Smith, and hails from Butte. Ewing's troubles occurred in the smelter town south of this city early in the week, when he assaulted C. J. Wright, polished off the face of Clifford Woodward and beat John Deakin into insensibility. For these offenses Deputy Sheriff Mauss took the slugger to his big jail into custody, but the task was accomplished with great difficulty and at the expense of the officer's personal appearance. Yesterday Ewing was tried before Justice McMillan on the three charges of battery, Assistant County Attorney Loofbrow prosecuting the case and Attorney J. M. Hamilton defending. On the first charge Ewing stood trial and was convicted, but on the other two he pleaded not guilty.

Ewing received his sentences in a bunch, three months on each count, or nine months' imprisonment in all, in the language of the fine, he was committed out when the judge got through telling him how long he would have to stay in the county jail. Ewing called for water to overcome his emotion.

MUST COMPLY WITH LAW.

Decision Affecting the Rights of Foreign Corporations.

An important decision, holding that a foreign corporation cannot bring suit against a resident of this state without first complying with the law in filing articles of incorporation and notice of the appointment of a resident agent in the state was rendered by Judge Kroeger yesterday in the case of the Wrought Iron Range company vs. Mrs. Margaret Warr. The Range company, which is not incorporated under the laws of this state and has no resident agent here, brought suit some time ago against Mrs. Warr to recover the possession of a stove which the defendant had bought on the installment plan. When the suit was called in Judge Kroeger's court a few days ago, Attorney Sanford and Harrington raised the question as to the right of a foreign corporation to sue residents of this state in the courts here without having filed articles of incorporation here, or having appointed a resident agent. Judge Kroeger, after taking the matter under consideration for several days, decided that under the law the suit could not be brought, and the case was thrown out of court. It is understood that the plaintiffs will take an appeal.

DRIVER WAS MAD.

Arrest For Cruelty Leads to Some Hot Words.

The arrest yesterday by Special Officer De Brichy of the Humane society of Charles Egan, a driver for the Jake Smith Dairy company, on a charge of cruelty to animals, precipitated a lively controversy between the officer and his followers and the driver and his backers. The discussion over the condition of the horse and the merits of the arrest waxed so warm in front of the police station that the police court audience adjourned to the window to watch the fun.

Officer De Brichy found that one of Egan's horses had two sore shoulders, and, although they were healed over, he thought it was cruelty to drive the animal, and arrested the driver. Egan maintained that the sores were healing nicely, and he thought it was a shame that a man should be jerked into jail for any such offense as that.

Officer De Brichy maintained that Egan should be prosecuted, but upon the statement of a half dozen horsemen, who said the horse was all right, Prosecutor Diehl refused to issue a complaint, and Egan was discharged.

Holland B and Over.

Tim Holland, the cripple who was caught in the act of stealing jewelry from O. L. Eliason's store in the Templeton building Friday, was tried before Judge Timmony yesterday on a charge of housebreaking. Upon the evidence of Officer Barlow and Mr. Eliason he was bound over to the district court in the sum of \$500. In default of the bail he was sent to the county jail.

Governor Wood Starts From Home.

Havana, July 27.—General Wood was taken on board the steamer Morro Castle today. He expressed himself as being quite well and wanted to walk aboard the vessel, but the doctors insisted upon his being carried aboard on a portable cot. Deep sympathy with General Wood was shown by Cubans of all classes upon his departure. The Morro Castle is due at New York next Wednesday.

Children often come, not from pain, but from hunger, although fed abundantly. The trouble arises from indigestion; their food is not assimilated, but devoured, by worms. A few doses of WHITE'S CREAM VERMIFUGE will destroy the worms, when the children will begin to thrive at once. Price, 25 cents. Van Dyke's drug store, corner Main and Third South.

OGDEN NEWS.

Ogden Office, 203 Eccles Building. Telephone 14.

Ogden, July 28.

ANDERSON V. VOICE CASE.

Matter Hurried Through by Stipulation.

The decree of divorce for Maria Anderson from Fred Anderson was settled and signed yesterday by Judge McCarty. The affair was mutually arranged by stipulation, the husband giving the wife \$1,025 and a \$200 mortgage in full for all alimony, the wife to retain custody of the three minor children.

The hearing to tax costs in the case of Eliza Warren against Theo Robinson and others was continued till Sept. 3.

Ogden Church Services.

The Gospel Mission, 363 Twenty-fourth street. Services Sundays and Thursdays at 7:30. All welcome.

First Presbyterian church.—Sunday school at 9:40 a. m.; Christian Endeavor at 7:30 p. m. Special music. All most cordially invited.

There will be services at the Methodist church today. The pastor will preach at 11 a. m. and 8 p. m. The public is most cordially invited to attend.

Services will be held in the English language at the Lutheran church, corner of Twenty-third street and Jefferson avenue, at 8 p. m. Sunday. All are most cordially invited.

Services at the Ogden tabernacle will be held today at 2 p. m. Elders Alva Scoville and David Harris, returning missionaries from Germany, will address the congregation.

Preaching at the Central Park Presbyterian church, corner of Washington avenue and Thirty-first street, at 11 a. m. Subject, "Seven Beginnings." Sunday school at 3 p. m.

Services this morning and evening at the Baptist church, preaching by the pastor. Special music at these services. All are most cordially invited, as these are the last services before vacation.

Christian Science services will be held at room 12, second floor city hall, Sunday morning, at 11 o'clock. Subject, "Love." Sunday school at 10:30.

Regular Wednesday evening meeting at 8 o'clock. All are cordially invited to attend these meetings.

First Church of Christ, Scientist, corner Twenty-fourth street and Lincoln avenue. Services 11 a. m. Subject, "Love." Sunday school at 12 m. Wednesday evening meeting, 8 o'clock. All cordially invited to these meetings.

All reading rooms, suite 212 Eccles' building, open daily from 2 to 5 p. m.

Came Close to Death.

A son of Josh Rackham came near being killed on Washington avenue.

about 6 o'clock last evening, as the result of an accident to a wagon in which he was riding. A wheel came off the vehicle, throwing the young man to the pavement, the axle striking him in the thigh. He was taken to the office of Dr. Ricketts, where his wounds were dressed. No bones were broken, but he was severely bruised.

Bluth a Benedict.

Fred Bluth, the well-known right felder of the Ogden ball nine, and Miss Barbara Torgasson, both of this city, were quietly married July 17 by Clerk Palmer at Farmington. The event was not known to any except the very intimate friends of the couple.

Yesterday, but congratulations were speedily showered on the pair by numerous friends and acquaintances.

Exciting Runaway.

A team with a wagon laden with bricks ran away from the rear of the new Patterson building on Washington avenue yesterday afternoon. They circled around down Twenty-fourth street hill and south on Washington avenue scattering bricks and bits of wagon along the way. They were finally stopped at Twenty-eighth street.

Ogden Briefs.

Mrs. T. B. Lewis is quite ill.

B. A. McMillan was in Ogden yesterday from Salt Lake.

The Fourth Ward association gives an excursion to Saltair July 30, via the Rio Grande Western.

Walter Douglas was arrested last evening on a charge of disturbing the peace. He was fighting on the street.

Parley Draney, aged 21, and Miss Bessie Neal, aged 18, both of Ogden, were yesterday granted a marriage license.

Mrs. M. Walker, arrested yesterday morning, was promptly released on her own recognizance by Justice Ward.

Mr. Walker's arrest grew out of an attempt to replevin some goods from her and her resistance of Constable Wheeler's efforts.

A young man named Fred Haynes, driver of an excursion wagon, was arrested last night for disturbing the peace. He had driven his vehicle across the intersection of two streets, and when ordered to move used vile and abusive language.

A burglar entered the home of Mrs. Hannah Carroll, 2338 Grant avenue, early yesterday morning and ransacked the place, getting about \$11 in cash, some jewelry and clothing. The fellow was seen by Mrs. Gibson, whose cries frightened him away.

Ho, For Saltair!

Special train for Fourth ward excursion to Saltair leaves over Rio Grande Western at 5:15 a. m. July 30. Returning, leaves Saltair at 8:15.

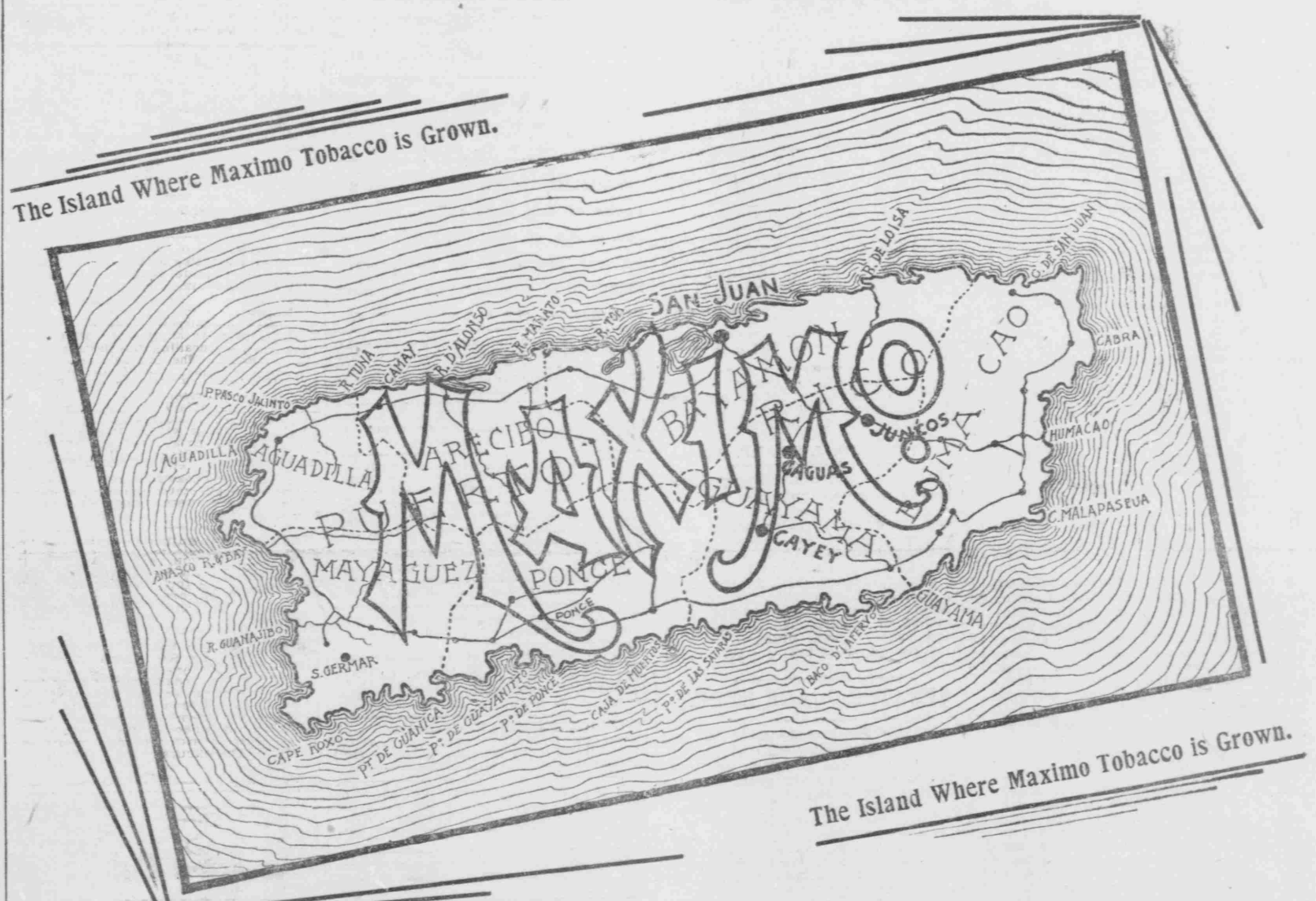
If You Have Never Smoked

A Cigar Made of Genuine Porto Rico Tobacco

--TRY A--

MAXIMO.

The Only Genuine Porto Rico 5c Cigar Made in the United States.



Nearly all the nickel cigars are of the same taste. Why? Because they are made of tobacco grown from Havana and Porto Rico "Seed" in a climate which cannot possibly produce real cigar leaf.

When you can get a cigar made of tobacco grown on its native soil you are getting the best cigar made.

The Maximo for 5c.

Manufactured by Rucabado, Portela & Co., who are the largest growers of tobacco on the Island of Porto Rico.

This tobacco has been exported to European countries for years and considered by them the finest tobacco grown anywhere in the world. Since Porto Rico has become a part of the United States this tobacco is being made into cigars at home. All is asked is a trial and you will be convinced that the MAXIMO is the best 5c. cigar in the market. On sale at ONE HUNDRED PLACES in Salt Lake City.



Cured Of Piles.

Mrs. Hinkley, Indianapolis, writes: "The doctor said it must be an operation costing \$500 and little chance to survive. I chose Pyramid Pile Cure and one 50-cent box made me sound and well." All druggists sell it. It never fails to cure any form of Piles. Try it. Book on piles, cause and cure, free by mail. Pyramid Drug company, Marshall, Mich.

The Genuine

Mr. Eastman...

...who invented the word Kodak...

...gave the world a new industry...

...and pleasure...

...to whom Mr. Eastman will not...

...sell Kodaks...

...then down. Don't be deceived in...

...this matter, or talked into buying...

...something else. Come over and...

...let Johnson tell you "all about it"...

...before you buy. I do not forget...

...that we are headquarters for Kodak...

...supplies and are noted for our...

...superior Kodak finishing...

...catalog free. Address: The JOHNSON Co., C. E. Johnson...

...Supt., Salt Lake, Utah.

Hemenway & Moser,

108 West 2nd South. Wholesale Agts.